

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 2, and 4 have been amended, claim 3 has been cancelled and claims 5-8 have been added. Claims 1, 2, and 4-8 are pending and under consideration. Claims 2 and 4 are objected to.

REJECTION UNDER 35 U.S.C. § 102(b) (CLAIMS 1 AND 3)

Independent claim 1 recites "wherein the EGR controller carries out a judgment as to whether the engine is in a scavenging condition, and if judged that the engine is in the scavenging condition, performs control to open the EGR valve, whereby the EGR line is scavenged." Thus, the EGR passage is scavenged through control of the EGR valve.

In contrast, Fig. 1 of Wakita illustrates an air bleed passage 66b provided with a valve 68 for controlling the amount of scavenging air to be fed into an EGR pipe 12a. The air bleed passages 66a, 66b of Wakita are bypass air pipes connecting together the EGR pipes 22a, 22b and the secondary air passages 12a, 12b, 12c, 12d. The passages 66a, 66b are not passages for scavenging the EGR passages. Wakita discloses an engine provided with a secondary air introduction system, wherein the quantity of secondary air to be branched into the EGR passage is controlled. Thus, a low EGR value is obtained during the steady condition of the engine, so that surging does not take place while a small toxic component emission is being maintained (column 5, lines 43-46).

Thus, the present invention is advantageous as compared to Wakita because a secondary air introduction system is not required. Also condensation of moisture is prevented, thus sulfur corrosion is avoided. Specifically, condensation in exhaust gas to be generated in the EGR pipe and EGR valve when an internal combustion engine is prevented.

Accordingly, withdrawal of the rejection is requested.

ALLOWABLE SUBJECT MATTER:

Objected to claims 2 and 4 have been rewritten into independent form.

NEW CLAIM:

New independent claim 7 and claim 8 depending therefrom are patentably distinguishable over the cited reference at least for similar reasons as discussed above with respect to claim 1.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

12-21-04

By: _____

Michael J. Badagliacca
Registration No. 39,099

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501